

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

RODNEY E. MACE,)
)
)
Plaintiff,)
)
)
vs.) Case No. 2:09CV00025 ERW
)
)
MISSOURI DEPARTMENT OF)
CORRECTIONS,)
)
)
Defendant.)

ORDER

This matter is before the Court upon Rodney Mace's motion for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a).

Although plaintiff has filed a motion for leave to proceed in forma pauperis, he has not submitted a certified copy of his prisoner account statement. He has merely submitted what appears to be a receipt from the jail's commissary [Doc. #3]. Pursuant to 28 U.S.C. § 1915(a)(2), “[a] prisoner seeking to bring a civil action . . . without payment of fees . . . shall submit a certified copy of the trust fund account statement . . . obtained from the appropriate prison official.” Because plaintiff is within the custody of the Missouri Department of Corrections, he is a prisoner within the meaning of the Act. See 28 U.S.C. § 1915(h). Therefore, the Court will order plaintiff to submit a certified copy of his inmate trust fund account statement.

Accordingly,

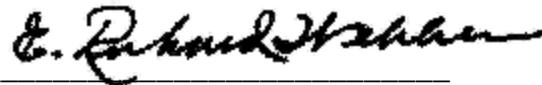
IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **HELD IN ABEYANCE**.

IT IS FURTHER ORDERED that plaintiff shall file a certified copy of his inmate trust fund account statement for the six-month period immediately preceding the filing of his complaint on June 5, 2009.

IT IS FURTHER ORDERED that if plaintiff fails to submit a certified copy of his inmate trust fund account statement within thirty (30) days, the Court will dismiss this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that if plaintiff submits his inmate trust fund account statement within thirty days, the Clerk shall resubmit this action for review under 28 U.S.C. § 1915.

So Ordered this 6th Day of July, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE